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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Jacobs, et al.
Appln. No.: 09/975,590
Confirm. No.: 8686
Filed: October 11, 2001
Title: DATA REPLICATION PROTOCOL

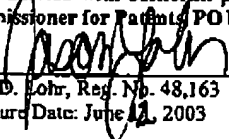
PATENT APPLICATION

Art Unit: 2152
Examiner: Unassigned

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on June 12, 2003.


Jason D. Lohr, Reg. No. 48,163
Signature Date: June 12, 2003

(Attorney Signature)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).
- ☒ A copy of the International Search Reports dated February 6, 2003 and February 28, 2003 and the references cited therein are enclosed.

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— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

☒ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
— OR —
- (2) It is being filed within 3 months of entry of a national stage;
— OR —
- (3) It is being filed before the mailing date of the first Office Action on the merits,
— OR —
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

— AND (check at least one of the following) —

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
— OR —
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the issue fee;
— AND —
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
— AND —
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

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✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: June 12, 2003

By: _____


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| Form PTO-1449 (Substitute) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | Attorney Docket Number BEAS-01077US2 | | Serial/Patent Number 09/975,590 | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i> | | | | Applicant/Patent Owner Jacobs, et al. | | | |
| | | | | Filing/Issue Date October 11, 2001 | | Group Art Unit 2152 | |
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| Examiner Initial | | Application Number | Filing Date | First Named Inventor | | Petition to Expunge? Yes No | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| Examiner Initial | | Document Number | Publication Date | Country | Class | Subclass | Trans- lation Yes No |
| OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages) | | | | | | | |
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| Examiner | | | | Date Considered | | | |
| <p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | | | | | | | |
| <p>*1 = Copy not submitted because it was submitted in prior application SN / , filed , 20 , relied on under 35 USC §120. *2 = Copy not submitted because it was submitted in prior application SN / , filed , 20 , relied on under 35 USC §120.</p> | | | | | | | |